

EQ-1867



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

March 5, 2011

Jay C. Johnson
Dorsey & Whitney, LLP
1801 K Street, NW,
Suite 750
Washington, D.C. 20006

Re: Docket No. FD 35095, The Alaska Railroad Corporation—Petition for Exemption to Construct and Operate a Rail Line Extension to Port Mackenzie, Alaska; Third-Party Consultant for Construction Monitoring and Enforcement Period Support

Dear Mr. Johnson:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is approving, under 49 C.F.R. § 1105.10(d), ICF International (ICF) as the independent third-party consultant for the above-referenced proceeding. ICF will assist OEA during the construction monitoring and enforcement period of the project.

ICF previously served as the third-party consultant for OEA's environmental review of the project. As was the case during OEA's environmental review process, OEA will direct, supervise, review and approve all work conducted by ICF during the monitoring and enforcement period.

We have attached a new disclosure statement and ask that you forward it to ICF to complete and return to us. Also attached is an Addendum to the existing Memorandum of Understanding (MOU) among the Board, Alaska Railroad Corporation (ARRC) and ICF. The Addendum adds the monitoring and enforcement support services to the MOU. The Addendum will need to be signed by ARRC, forwarded to ICF for signature, and returned to OEA.

Thank you for your attention to this matter. If you have any questions, please feel free to contact Dave Navecky of my staff at 202-245-0294.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" written in a larger, more prominent script than the last name "Rutson".

Victoria Rutson
Director
Office of Environmental Analysis

Enclosures

SURFACE TRANSPORTATION BOARD

DISCLOSURE STATEMENT

On behalf of ICF International, I certify that ICF International has no financial or other interests in the outcome of the petition in STB Docket No. FD 35095, The Alaska Railroad Corporation – Petition for Exemption to Construct and Operate a Rail Line Extension to Port MacKenzie, Alaska.

Signature:

Printed Name:

Title:

Date:

MEMORANDUM OF UNDERSTANDING
AMONG
SURFACE TRANSPORTATION BOARD,
ALASKA RAILROAD CORPORATION
AND
ICF INTERNATIONAL

AMENDMENT 1
March 5, 2012

RE: Docket No. FD 35095, Alaska Railroad Corporation – Construction and Operation Exemption – A Rail Line Extension to Port MacKenzie, Alaska: **Amendment to Extend Third-Party Contractor Services through the Monitoring and Enforcement Period**

I. Introduction

- A. On November 21, 2011, the Surface Transportation Board (Board) served a decision authorizing the Alaska Railroad Corporation (ARRC) to build and operate approximately 35 miles of new rail line connecting the Port MacKenzie District in south-central Alaska to a point on ARRC's existing main line near Houston, Alaska. The authorization to construct and operate is subject to environmental mitigation conditions.
- B. Mitigation Measure 100 requires ARRC to retain a third-party contractor to assist the Board's Office of Environmental Analysis (OEA)¹ in the monitoring and enforcement of mitigation measures until 1 year after ARRC has completed project-related construction.

II. Extension of Third-Party Contractor Services

- A. OEA and ARRC have agreed to extend the services of ICF International through the monitoring and enforcement period. ICF International served as OEA's third-party contractor during the Board's environmental review process for the project.
- B. This amendment to the Memorandum of Understanding (MOU) among the Board, ARRC and ICF International (Contractor) extends the services of the Contractor through the completion of the monitoring and enforcement period.
- C. The provisions of the original MOU, including but not limited to those related to Contractor, ARRC and OEA responsibilities; disputes; and nonperformance and termination remain applicable.

¹ Subsequent to the execution of the MOU on January 17, 2008, the Section of Environmental Analysis (SEA) became the Office of Environmental Analysis (OEA), thus the Amendment refers to OEA.

MEMORANDUM OF UNDERSTANDING
AMONG
SURFACE TRANSPORTATION BOARD,
ALASKA RAILROAD CORPORATION
AND
ICF INTERNATIONAL

AMENDMENT 1
March 5, 2012
Page 2

SURFACE TRANSPORTATION BOARD

Signature: _____

Printed Title: _____

Date: _____

ALASKA RAILROAD CORPORATION

Signature: _____

Printed Title: _____

Date: _____

ICF INTERNATIONAL

Signature: _____

Printed Title: _____

Date: _____